

AMENDED IN ASSEMBLY MAY 13, 2003

AMENDED IN ASSEMBLY APRIL 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 170

Introduced by Assembly Member Reyes

January 23, 2003

An act to add Sections 65302.1 and 65302.4 to the Government Code, relating to local planning.

LEGISLATIVE COUNSEL'S DIGEST

AB 170, as amended, Reyes. Air quality element: San Joaquin Valley.

Existing law requires the legislative body of each county and city to adopt a comprehensive, long-term general plan for the physical development of the county or city, and of any land outside its boundaries that bears relation to its planning. The law requires the plan to include a specified land use element that designates the proposed general distribution and general location and extent of the uses of the land for housing, business, industry, open space, and other categories of public and private uses of land.

This bill would require a planning agency to ~~prepare, and the legislative body to adopt, a separate air quality element or amend other general plan~~ *amend the appropriate elements of its general plan* to include comprehensive goals, policies, and implementation strategies to improve air quality during the next major update to the general plan or within 5 years, whichever is sooner, as specified, if the city or county

is within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD).

The bill would require cities and counties that have adopted air quality elements or have addressed air quality in ~~other~~ *their* general ~~plan elements~~ *plans* in the previous 5 years to prepare a specified report to the SJVAPCD and to present it to the public at a regularly scheduled meeting. The bill would also require cities and counties that have ~~adopted~~ *addressed* air quality ~~elements in their general plans~~ or ~~their~~ *its* equivalent in other plan elements in excess of 5 years from the effective date of this bill to update the air quality element, as specified. By increasing the duties of local officials, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65302.1 is added to the Government
- 2 Code, to read:
- 3 65302.1. The Legislature finds and declares all of the
- 4 following:
- 5 (a) The San Joaquin Valley has a serious air pollution problem
- 6 that will take the cooperation of land use and transportation
- 7 planning agencies, transit operators, the development community,
- 8 the San Joaquin Valley Air Pollution Control District (SJVAPCD)
- 9 and the public to solve. The solution to the problem requires
- 10 changes in the way we have traditionally built our communities
- 11 and constructed the transportation systems. It involves a
- 12 fundamental shift in priorities from emphasis on mobility for the
- 13 occupants of private automobiles to a multimodal system that
- 14 more efficiently uses scarce resources. It requires a change in
- 15 attitude from the public to support development patterns and
- 16 transportation systems different from the status quo.



(b) The SJVAPCD has prepared and distributed a document entitled, Air Quality Guidelines for General Plans. This is a comprehensive guidance document and resource for cities and counties to use to address air quality in their general plans. It includes goals, policies, and programs that when adopted in a general plan will reduce vehicle trips and miles traveled and improve air quality.

(c) Air quality guideline strategies are a commitment to do all of the following:

(1) Determine and mitigate project level and cumulative air quality impacts under the California Environmental Quality Act (CEQA).

(2) Integrate land use plans, transportation plans, and air quality plans.

(3) Plan land uses in ways that support a multimodal transportation system.

(4) Local action to support programs that reduce congestion and vehicle trips.

(5) Plan land uses to minimize exposure to toxic air pollutant emissions from industrial and other sources.

(6) Reduce particulate matter emissions from sources under local jurisdiction.

(7) Support SJVAPCD and public utility programs to reduce emissions from energy consumption and area sources.

(d) Benefits from implementing an air quality element include, but are not limited to, all of the following:

(1) Lower infrastructure costs.

(2) Lower public service costs.

(3) More efficient transit service.

(4) Lower costs for comprehensive planning.

(5) Streamlining of the permit process.

(6) Improved mobility for the elderly and children.

SEC. 2. Section 65302.4 is added to the Government Code, to read:

65302.4. (a) A planning agency within the jurisdictional boundaries of the San Joaquin Valley Air Pollution Control District (SJVAPCD) ~~shall prepare, and the legislative body shall adopt, a separate air quality element or shall amend other general plan elements~~ *shall amend the appropriate elements of its general plan, which may include, but are not limited to, the required*

1 *elements dealing with land use, circulation, housing,*
2 *conservation, and open space,* to include comprehensive goals,
3 policies, and implementation strategies to improve air quality
4 during the next major update to the general plan or within five
5 years, whichever is sooner.

6 (b) Those cities and counties that have adopted air quality
7 elements or that have addressed air quality in ~~other general plan~~
8 ~~elements—their general plans~~ in the previous five years shall
9 prepare a report listing the air quality goals and policies adopted
10 by the jurisdiction, and progress in implementing those goals and
11 policies. This report shall be provided to the SJVAPCD for review
12 and shall be presented to the public at a regularly scheduled or
13 special city council or board of supervisors meeting.

14 (c) Those cities and counties that have ~~adopted air quality~~
15 ~~elements or their—addressed air quality in their general plans~~
16 equivalent in other plan elements in excess of five years from the
17 effective date of this section shall update the element or equivalent
18 during the next major general plan update or within five years,
19 whichever is sooner.

20 (d) ~~Air quality elements or their equivalent shall—~~ *The*
21 *appropriate elements of a city or county's general plan shall be*
22 *amended to include, but not be limited to, all of the following:*

23 (1) A comprehensive set of goals, policies, and implementation
24 strategies that improve air quality by all of the actions listed in
25 subdivision (c) of Section 65302.1.

26 (2) A report describing local air quality conditions including
27 air quality monitoring data, emission inventories, lists of
28 significant source categories, attainment status and designations,
29 and applicable state and federal air quality plans and transportation
30 plans.

31 (3) A summary of local, SJVAPCD, state, and federal policies,
32 programs, and regulations that will improve air quality in the city
33 or county.

34 (e) Prior to action by the legislative body to adopt the air quality
35 element, the planning agency shall submit the proposed draft of the
36 element to the SJVAPCD, and the district shall have at least 45
37 days after receipt of the draft to comment unless a longer period
38 is deemed necessary by the planning agency.

39 SEC. 3. No reimbursement is required by this act pursuant to
40 Section 6 of Article XIII B of the California Constitution because

1 a local agency or school district has the authority to levy service
2 charges, fees, or assessments sufficient to pay for the program or
3 level of service mandated by this act, within the meaning of
4 Section 17556 of the Government Code.

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